

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

TAMEIA CITY,

Case No.: 2:20-cv-02193-RFB-EJY

Plaintiff,

V.

THE UNITED STATES OF AMERICA;

Defendant.

EMELY JOHANA PORTILLO, an individual;
and EVA LILIAN LEONZO DE PORTILLO,
an individual;

Plaintiffs,

V.

THE UNITED STATES OF AMERICA,

Defendant.

ORDER

16 Pending before the Court is the United States' Motion to Vacate Settlement Conference. ECF
17 No. 51. The Court considered the Motion, Response, Joinder, and Reply. ECF Nos. 52-54.

18 Defendant—the United States—argues a settlement conference in this case would be a futile
19 endeavor because, in sum, Defendant views Plaintiffs’ claims “as prototypical workup cases where
20 the Plaintiffs were sent for unreasonable and medically unnecessary treatment, and no future
21 treatment is justified from the evidence. The United States believes the evidence does not support
22 the demands and damages claims of either Plaintiff.” Plaintiffs argue a dispute over damages is
23 present in every case and that Defendant is not willing to participate in a good faith settlement
24 process. The Court agrees with the principle that disagreement over value is present in many cases
25 involving personal injury; however, sometimes the disagreement is so significant, as is true here,
26 that a settlement conference is not a worthwhile endeavor. The Court rejects the notion that
27 Defendant would not participate in good faith; rather, Defendant believes there is no value in

1 settlement of this case and acted in good faith by notifying the Court of this fact so that the Court
2 could consider whether proceeding with a settlement conference was an efficient use of time.

3 Defendant makes clear that it believes there is no settlement value to this case and could not,
4 in good faith, make any offers for purposes of resolution. The power to order a settlement conference
5 “was not designed as a means for clubbing the parties—or one of them—into involuntary
6 compromise.” *Best Western International, Inc. v. Melb. Hotel Invs., LLC*, Case No. CV-06-2276-
7 PHX-MHM, 2008 WL 2945513 (D. Ariz. July 25, 2008) (internal citation omitted).

8 The government’s position, which they have communicated to Plaintiffs’ counsel, is clear
9 and unequivocal. Under these circumstances, the Court finds proceeding with a settlement
10 conference would not be a valuable endeavor at this time. If, in the future, the parties feel the Court
11 can assist in bringing the matter to a close they may always seek the resetting of a settlement
12 conference.

13 Accordingly, IT IS HEREBY ORDERED that the United States’ Motion to Vacate
14 Settlement Conference (ECF No. 51) is GRANTED.

15 IT IS FURTHER ORDERED that the settlement conference set for March 4, 2025 is
16 VACATED.

17 Dated this 31st day of January, 2025.

18
19
20 
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE

21
22
23
24
25
26
27
28